

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Kristyn Graham

v.

Civil No. 07-cv-295-PB

Warden, New Hampshire State
Prison for Women, et al.

O R D E R

Pro se plaintiff Kristyn Graham has filed a complaint and amendment thereto, pursuant to 42 U.S.C. § 1983, alleging that defendants have abridged her rights under the Fourth, Eighth and Fourteenth Amendments to the United States Constitution (document nos. 1 and 5). Named as defendants are the following employees of the New Hampshire State Prison for Women ("NHSP/W"): Joanne Fortier, Acting Warden; Dan Belligeron, Head Nurse and Supervisor, Medical Department; Jean Chapman, Nurse; and Kathy Fontaine, employee. Also filed is a motion for appointment of counsel (document no. 6).

The complaint is before me for preliminary review to determine whether, among other things, it states a claim upon which relief may be granted. See 28 U.S.C. § 1915A; U.S. District Court for the District of New Hampshire Local Rule

("LR") 4.3(d)(2). For the reasons stated in the report and recommendation issued simultaneously herewith, I find that Graham has alleged the following claims: (1) Eighth Amendment claims premised on the denial of adequate medical care against Belligeron, Fontaine and Chapman; and (2) an Eighth Amendment claim premised on inhumane conditions of confinement against Fortier. I recommend dismissal of all remaining claims. I further recommend that the motion for appointment of counsel be denied.

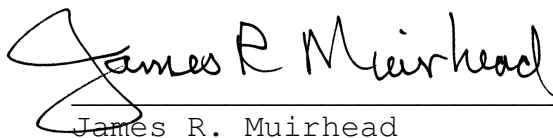
As I find that plaintiff has stated a claim upon which relief may be granted, I order the amended complaint served on the defendants. The Clerk's Office is directed to serve the New Hampshire Office of the Attorney General (AG), as provided in the Agreement On Acceptance Of Service, copies of this order, the report and recommendation and the complaint (document nos. 1 and 5). See LR 4.3(d)(2)(C). Within thirty days from receipt of these materials, the AG will submit to the court an Acceptance of Service notice specifying those defendants who have authorized the AG's office to receive service on their behalf. When the Acceptance of Service is filed, service will be deemed made on the last day of the thirty-day period.

As to those defendants who do not authorize the AG's office to receive service on their behalf or whom the AG declines to represent, the AG shall, within thirty days from receipt of the aforementioned materials, provide a separate list of the last known addresses of such defendants. The Clerk's Office is instructed to complete service on these individuals by sending to them, by certified mail, return receipt requested, copies of these same documents.

Defendants are instructed to answer or otherwise plead within twenty days of acceptance of service. See Fed. R. Civ. P. 12(a)(1)(A).

Plaintiff is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the defendants by delivering or mailing the materials to them or their attorneys, pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.

A handwritten signature in black ink, reading "James R. Muirhead". The signature is written in a cursive style with a large, looping initial "J".

James R. Muirhead
United States Magistrate Judge

Date: December 13, 2007

cc: Kristyn Graham, pro se